

See Attachment

(21)
1-9-02
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW,

Plaintiff

vs.

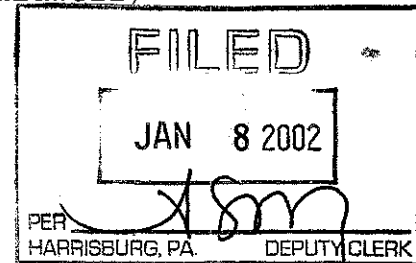
PATRICIA L. SAUERS, M.D.,
et al.,

Defendants

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CIVIL NO. 1:CV-01-0755

(Judge Caldwell)



O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 11, 2001, pro se plaintiff Sydney Bradshaw was directed to file a brief in opposition to the defendants' October 29, 2001 motion to dismiss. (Doc. 17). Plaintiff was advised that his lawsuit was in peril of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure if he failed to comply with this Order. Bradshaw was given twenty (20) days to comply with this Order.

On December 21, 2001, Bradshaw requested a copy of the defendants' motion to dismiss and requested an enlargement of time to respond to the same claiming "to this date he has not had an opportunity to view defendants motion to dismiss." (Doc. 19). While it is noted that defendants' motion and supporting documents bear the appropriate certificate of service indicating Bradshaw was sent copies of all relevant documents, on January 2, 2002, the Clerk's office forwarded Bradshaw yet another copy of defendants'

motion, brief and supporting exhibits (docs. 16 and 18). Bradshaw is now equipped with the requested documents necessary to respond to defendants' potentially dispositive motion. Therefore, we will dismiss this case for failure to prosecute and comply with a court order under the authority of Rule 41(b) if plaintiff fails to oppose the motion or otherwise communicate with the court within ten (10) days of the date of this order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Plaintiff Bradshaw shall file within ten (10) days of the date hereof a brief in opposition to defendants' motion to dismiss. If plaintiff fails to file a brief in opposition, we will consider dismissing plaintiff's complaint pursuant to Rule 41(b) for failure to prosecute and comply with a court order.



WILLIAM W. CALDWELL
United States District Judge

Date: January 8, 2002